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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Situation of human rights in the Republic of the Congo

Report by the Secretary-General

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Summary

This report is submitted to the Commission on Human Rights pursuant to resolution 1999/1 entitled "Situation of human rights in the Republic of the Congo", adopted on 20 August 1999 by the Sub-Commission on the Promotion and Protection of Human Rights.

The first section summarizes the main developments during the 1997-1999 period, describes the improvement in security conditions in the country and discusses the recent political opening-up process initiated by the Government.

Section II, after indicating the position as regards the ratification of international instruments by the Republic of the Congo, draws attention to the considerable delays in the submission of its reports to treaty bodies. The Committee on the Elimination of Racial Discrimination, during its consideration of the Congo's application of the Convention in March 1999, noted that it had failed to submit the initial report due in 1989 and made a number of observations on the human rights situation in the country. Moreover, the Human Rights Committee in November 1999 adopted a list of issues to be taken up in connection with the consideration of the second periodic report of the Republic of the Congo in March 2000.

In section III it is emphasized that no thematic Special Rapporteur or working group of the Commission on Human Rights had made a request to visit the country during the previous year. Moreover, it is noted that only the Special Rapporteur on the question of torture had transmitted allegations of human rights violations to the Congolese Government; reference is made to an extract of the Government's reply.

In section IV it is stated that the Office of the High Commissioner for Human Rights, pursuant to Congo's request for technical assistance, had undertaken a mission to evaluate human rights requirements in education. The programme that the Office of the High Commissioner intends to implement in the country is described.

Section V presents information provided by United Nations bodies concerning internally-displaced persons in the Congo, as well as refugees and persons who have been repatriated.

Lastly, section VI contains a summary of the information communicated by national and international NGOs on the main human rights violations in the Congo and on the situation of the judiciary.

Introduction

1. At its fifty-first session, the Sub-Commission on the Promotion and Protection of Human Rights on 20 August 1999 adopted by secret ballot, by 20 votes to 3 with 2 abstentions, resolution 1999/1, entitled "Situation of human rights in the Republic of the Congo". On 5 August the delegation of the Republic of the Congo exercised its right of reply and on 20 August 1999 made a statement before the vote.

2. In the preamble, the Sub-Commission began by recalling its resolution 1997/1 of 20 August 1997, in which it called upon the Government of the Republic of the Congo and all parties to the conflict to abide by their obligations under international human rights and humanitarian law. It went on to note with deep concern the persistence of allegations of deliberate massacres of civilians in the Pool region and in Brazzaville, allegations of arbitrary and extrajudicial executions whose perpetrators remained unpunished because of the de facto lack of independence of the judiciary, as well as allegations of deportations and arbitrary detentions and non-observance of the freedom of expression.

3. The Sub-Commission called upon the Government of the Republic of the Congo to ensure respect for human rights, to ratify the Convention against Torture, the Rome Statute of the International Criminal Court and the draft optional protocol to the African Charter on Human and People's rights establishing the African Court on Human and People's Rights. It also requested all parties to the conflict to respect their obligations under international humanitarian laws.

4. The Sub-Commission then requested the Secretary-General to submit a report on the situation of human rights in the Republic of the Congo to the Commission on Human Rights at its fifty-sixth session and to the Sub-Commission at its fifty-second session, and recommended that the Commission on Human Rights should consider the situation of human rights in the Republic of the Congo at its next session. Lastly, it decided, if the Commission was unable to do so, to continue consideration of the question at its fifty-second session.

5. The first section of this report summarizes the main developments that have occurred recently in the Republic of the Congo. Section II describes the activities of treaty bodies and section III discusses those of the special rapporteurs and working groups of the Commission on Human Rights. Section IV contains a description of the activities of the Office of the High Commissioner for Human Rights. Section V deals with the information received from United Nations bodies and section VI summarizes the information communicated to the Secretary-General by NGOs.

I. MAIN DEVELOPMENTS IN THE REPUBLIC OF THE CONGO

A. Background: the wars of 1997 and 1998

6. In June 1997, a few weeks before the presidential elections, latent violence increased and gradually plunged the country into civil war. Notwithstanding the establishment of an International Mediation Committee and the good offices missions of Mohamed Shanoun, Special

Representative of the Secretary-General in the Congo, President Pascal Lissouba and General Denis Sassou-Nguesso, it proved impossible to conclude a peace agreement at the Libreville Summit (14-15 September 1997) in which seven Heads of African States participated. On the contrary, fighting intensified and Mr. Sassou-Nguesso's militia (the Cobras) managed to seize control of the main strategic points in the country and in particular the economic capital, Pointe-Noire.

7. After four months of fighting, Mr. Sassou-Nguesso, who was Head of State from 1979 to 1992, proclaimed himself President in October and President Lissouba and Prime Minister Bernard Kolélas were forced to seek asylum abroad. It is difficult to arrive at accurate figures of the number of victims claimed by this war, but it is estimated that at least 8,000 persons were killed, 800,000 became internally displaced and about 50,000 sought refuge in the Democratic Republic of the Congo.

8. In the months that followed Mr. Sassou-Nguesso's accession as Head of State, a number of measures and initiatives were taken by the Government. Parliament was dissolved and replaced by a National Transition Council (CNT) and the Constitution was suspended and replaced by a Basic Act which established a highly centralized executive system of the presidential kind.

9. On the initiative of the President, a National Forum for Reconciliation, Unity, Democracy and Reconstruction (FNRUDR) was held from 5 to 14 January 1998; it was attended by 1,421 persons - most of them close to the seat of presidential power - who decided that general elections would be held following a flexible transition period of three years. Moreover, they stated that genocide had been committed by the previous regime in the course of the internal conflicts of 1993 and 1997.

10. The Law on the definition and repression of genocide, war crimes and crimes against humanity was adopted at the second regular session of the National Transition Council (2 July to 31 August 1998). Most of the crimes thus defined, which included summary executions, "disappearances" and cruel, inhuman or degrading treatment, are punishable by death. In October 1998, a court brought charges against almost 100 persons, including former President Lissouba, for crimes ranging from murder, torture, to theft. In November an international arrest warrant was issued against Mr. Lissouba by the Government.

11. Following a period of relative calm, clashes resumed in August 1998 between Mr. Kolélas's militias (the Ninjas) and those of Mr. Lissouba (the Cocoyes), on the one hand, and the Cobra militias and elements of the national police on the other. Initially limited to the Pool region, the fighting gradually spread and reached Brazzaville in December. The southern part of the capital, which was the scene of very heavy fighting, was bombarded intensively by the government forces supported by Angolese elements. According to reports, a very large number of persons, for the most part young men suspected of sympathizing or having contacts with the Ninjas, were arbitrarily executed, women raped and houses and shops pillaged and destroyed by elements of the loyalist forces and their allies. Moreover, almost 230,000 residents

of the capital, of whom 200,000 were from the southern districts of Bacongo, Makélékélé and Ngangalingo, were obliged to seek refuge in the northern part of the town, in the Pool region or in the Democratic Republic of the Congo.

12. Although government forces managed to resume control of the capital, relatively violent encounters were reported during the first few months of 1999, particularly in Bouenza. Towns such as Dolisie (80,000) and Nkayi (60,000) - the third and fourth largest in the country - were practically deserted and systematically pillaged. The four regions in the southern part of the country which were the most densely populated, namely, Pool, Bouenza, Lekoumou and Niari - were the ones most affected by this conflict.

B. The gradual improvement of security conditions

13. Although confrontations between loyalist forces and the armed militia of the opposition continued, their intensity declined in the second half of 1999. The improvement of security conditions in the country enabled United Nations bodies and international NGOs, which had been installed temporarily at Kinshasa, to return to Brazzaville in April 1999 and to resume their activities. Diplomatic missions also returned to the capital which is once again being served by the major airlines.

14. On 1 May 1999, President Sassou-Nguesso announced that, as a result of the improvement of security conditions, displaced persons could return to the capital and settle down once again in the southern districts of Brazzaville, namely, Bacongo and Makélékélé. During the weeks that followed, almost 200,000 persons returned to the capital, usually in difficult conditions.

15. The second Pan-African Music Festival (FESPAM) lasting one week was held under the auspices of UNESCO during August; tens of thousands of persons participated without any incident being reported.

16. At the beginning of October, in view of the considerable improvement in security conditions, the United Nations decided to reduce the security level at Brazzaville from IV to III, thereby enabling the bodies present to extend the scope of their operational activities.

C. The beginnings of a political opening-up process

17. Following the organization, in January 1998, of a National Forum for Reconciliation, Unity, Democracy and Reconstruction (FNRUDR) at Brazzaville, several dozen members of the military, including officers, who had served under the previous regime, as well as high-level personalities, returned to the Republic of the Congo.

18. On 15 August 1999, on the occasion of the national holiday, President Sassou-Nguesso, in his speech to the Congolese nation, said he was prepared to grant an amnesty to all members of the militia, including those who might be guilty of atrocities, who agreed to refrain from violence in future and to lay down their arms in order to promote the national reconciliation process. The President indicated that he was in favour of a dialogue with the main opponents at

present in exile. His speech constituted a decisive turning point insofar as, only a few weeks previously, the Government's official position was to reject any negotiations with political opponents responsible for past and present confrontations.

19. Following the amnesty of 15 August, almost 200 Ninja militiamen, who were close to the former President Pascal Lissouba and had taken refuge in the Democratic Republic of the Congo, gave themselves up to the authorities and were resettled in the "15 August Camp" for reintegration into the Congolese Armed Forces (FAC).

20. In October 1999 President Sassou-Nguesso decided on the electoral calendar, indicating that the constitutional referendum would be held in 2000 and presidential elections in 2001.

21. Lastly, on 16 November, after four days of discussion, a ceasefire agreement for the Republic of the Congo was signed at Pointe-Noire between the high commands of the forces of law and order, of the Ninjas, of the Mouvement national de libération du Congo-Renové (MNLC-R), of the Cobras, the Bana Dol, of the National Movement for the Liberation of the Congo (MNLC) and the Sud-Sud Resistance Movement. The agreement mentions an amnesty and calls for the reintegration of former militiamen who have laid down their arms into the FAC. Although exiled opposition figures had stated that they were not bound by the agreement, it constitutes a significant step forward along the path to national reconciliation and the consolidation of the security situation in the country.

II. TREATY MECHANISMS CONCERNING THE REPUBLIC OF THE CONGO

A. The ratification of international instruments by the Republic of the Congo

22. The Republic of the Congo is party to the following international instruments: the International Covenant on Economic, Social and Cultural Rights (1984), the International Covenant on Civil and Political Rights (1984), the International Convention on the Elimination of All Forms of Racial Discrimination (1988), the Convention on the Elimination of All Forms of Discrimination against Women (1982), the Convention on the Rights of the Child (1993), and the First Optional Protocol (1983) to the International Covenant on Civil and Political Rights.

23. It is not party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to the Convention on Migrant Workers or to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

B. The ratification of regional instruments

24. The Republic of the Congo has been a party to the African Charter on Human and People's Rights since 1982 and to its protocol on the establishment of the African Court on Human and People's Rights since 1998. The Congo has also been a party to the OAU Convention governing the Specific Aspects of Refugee Problems in Africa since 1971.

C. The submission of reports to treaty-monitoring bodies

25. The Republic of the Congo is very much behind in the submission of its reports to the various committees set up under the conventions to which it is a party. The following are awaiting the submission of one or more reports: Committee on the Elimination of Discrimination against Women (four reports), the Committee on Economic, Social and Cultural Rights (two reports), the Committee on the Rights of the Child (one report) and the Committee on the Elimination of Racial Discrimination (five reports).

1. The Human Rights Committee

26. Pursuant to article 40 of the International Covenant on Civil and Political Rights, the Government of the Congolese Republic submitted its initial report (CCPR/C/36/Add.2) on 12 February 1986. The second periodic report (CCPR/C/63/Add.5) was transmitted on 9 July 1996. On 4 November 1999, the Human Rights Committee adopted a list of issues to be taken up in connection with the consideration of the second periodic report of the Republic of the Congo (CCPR/C/63/Add.5) at its sixty-eighth session in March 2000 (CCPR/C/68/L/COG).

2. Observations of the Committee on the Elimination of Racial Discrimination

27. Although the Republic of the Congo has not submitted a report to the Committee on the Elimination of Racial Discrimination, the question of the Congo was considered at the fifty-fourth session (1-19 March 1999). The Committee examined the application of the Convention by the Republic of the Congo on the basis of information emanating from the United Nations and other sources and adopted the following observations (A/54/18):

(a) It noted with regret that the initial report had been overdue since 10 August 1989 and that the State party had been unable to participate in the meeting and to furnish relevant information;

(b) It considered that the armed conflicts of 1997 had an important ethnic dimension and noted that members of pygmy groups continued to suffer from ethnic discrimination;

(c) It deplored the part played by mercenaries and the impunity that had been enjoyed by those responsible for the many violations of human rights and the displacement of populations.

28. In addition, the Committee:

(a) Requested the State party to investigate the violations of human rights, in particular acts of racial discrimination, to bring offenders to trial, to offer compensation to victims' families and to discontinue the employment of mercenaries;

(b) Requested the State party to provide it with information on the implementation of legislation prohibiting and sanctioning racial discrimination, on immigration, on the demographic composition of the population and on measures taken to ensure that perpetrators of acts of violence related to racial discrimination were not benefiting from impunity;

(c) Urged the State party to open a dialogue with the Committee as soon as possible;

(d) Suggested that the Government of the Congo, if it wished to do so, could avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines.

III. ACTIVITIES OF THE THEMATIC SPECIAL RAPPORTEURS AND WORKING GROUPS OF THE COMMISSION ON HUMAN RIGHTS

29. During the past year, no thematic special rapporteur or working group of the Commission on Human Rights asked to visit the Republic of the Congo. No urgent action has been taken or letter concerning allegations sent by the thematic special rapporteurs or working groups with the exception of one communication which was sent to the Congolese Government by the Special Rapporteur on the question of Torture.

30. In 1999 the Special Rapporteur received information concerning 7 allegations of rape and 15 allegations of torture, cruel, inhuman or degrading treatment said to have taken place between October 1997 and November 1998; according to this information, three of the persons in question died as a result of the ill-treatment to which they were subjected; these cases will be covered by his report (E/CN.4/2000/9). On 3 September 1999, the Special Rapporteur brought these new allegations to the attention of the Congolese Government. On 12 November 1999, the Permanent Mission of the Republic of the Congo to the Office of the United Nations at Geneva replied to the Special Rapporteur's letter in the following terms:

> "The Congolese Government does not recognize the acts with which it is reproached [...] Moreover, no litigant has yet brought these acts to the attention of the Congolese courts. Allegations that detained persons are beaten, tortured, raped, deprived of food or medical care or yet killed in places of detention are unfounded. Congolese security forces have not, at any time, committed human rights violations of this nature. These violations are the deeds of armed bandits who, taking advantage of the period of tension, troubles, insecurity and administrative paralysis experienced by my country during the war of 1997 and the armed attacks of the Ninja and Cocoye rebel militias during December 1998 and the beginning of this year, committed excesses of all kinds in the southern part of the country and particularly in Brazzaville, Pool and the Niari Valley. The acts perpetrated by these individuals in a crisis situation and in confused circumstances cannot therefore be attributed to the authorities. In any event, the Republic of the Congo has legislation that guarantees the protection of human rights. If the complainants mentioned in your letter consider that their rights and freedoms have really been violated, they can apply to the domestic courts. Articles 28 and 29 of the Basic Act state that any violation of a

fundamental right may be taken note of by a competent judicial body which will take the necessary steps to put an end to the injurious effects of the violation. The petitions of the complainants will be investigated impartially and the victims or their families will be entitled to fair and equitable compensation in accordance with the legislation in force (Basic Act, Penal Code of 1958, Code of Penal Procedure Act No. 1/63 of 13 January 1963)."

31. In the context of this correspondence (reproduced in extenso in the Special Rapporteur's report), the Permanent Representative states that "The Congolese Government recently embarked upon procedure with a view to its accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984."

IV. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

32. At the beginning of 1998, the Congolese Government requested the Office of the High Commissioner for Human Rights for technical assistance in the field of human rights. The Office of the High Commissioner replied favourably and, in close cooperation with the local office of the United Nations Development Programme (UNDP) at Brazzaville, recruited an international consultant who was asked to take stock of the situation, evaluate needs and formulate proposals for action to be taken in respect of formal and non-formal human rights teaching. The mission took place from 16 to 22 November 1998 at Brazzaville.

33. In the course of this mission, the consultant talked with government education authorities, with representatives of United Nations bodies (UNDP, UNESCO, ILO, UNFPA, etc.), international NGOs and national NGOs active in promoting and protecting human rights, as well as teaching staff.

34. On conclusion of this mission, it was recommended that training seminars for primary and secondary schoolteachers should be organized in both the public and private formal education sectors, that human rights seminars should be arranged for the teachers, directors and pedagogical advisers of primary schools, that civics courses should be organized for teachers of history, geography, philosophy and French in secondary schools and colleges, and that it would be desirable to provide human rights training seminars for officials in the ministries of youth, education and the family. Lastly, it was suggested that documentation centres with reference material on the protection of women's rights should be created in schools.

35. In the informal education sector, priority should be accorded to the organization of training seminars for NGOs whose function was the promotion and protection of human rights, cultural associations and representatives of the media (the press and audio-visual).

36. The Office of the High Commissioner for Human Rights had, moreover, envisaged another evaluation mission in December 1998 to determine the human rights requirements of officials responsible for the maintenance of law and order. However, this mission was cancelled owing to the resumption of fighting.

37. In the context of the consolidated United Nations appeal for the Republic of the Congo for 2000, the Office of the High Commissioner for Human Rights has prepared a programme which, among other things, envisages the organization of training courses for NGOs on the observance of human rights, the planning and implementation of human rights teaching programmes at various school levels, evaluation of the training requirements of State officials responsible for the protection and promotion of human rights, the provision of human rights documentation to government authorities and NGOs, and the assumption of the cost of having seven NGO representatives participate in the international and regional courses organized by the International Centre on Human Rights and Peace Teaching (CIFEDHOP) at Geneva and at Bamako.

38. To this end, the Office of the High Commissioner would like to recruit - the financial situation permitting - a national human rights coordinator who, working in UNDP premises, would implement the above programmes and collect information on human rights violations for the thematic Special Rapporteurs and the working groups of the Commission on Human Rights.

V. INFORMATION FROM UNITED NATIONS BODIES

39. The situation of internally-displaced persons and refugees has been one of the major and most urgent problems confronting the Republic of the Congo since 1997. The Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Office of the High Commissioner for Refugees (UNHCR) and the office for the coordination of the humanitarian and operational activities of the United Nations system have regularly provided information on the situation of displaced persons, refugees and persons who have been repatriated. Owing to continuous population movements, the statistics presented below reflect the situation in mid-October 1999.

A. Internally-displaced persons and refugees

40. As a result of the wars of 1997 and 1998, almost 810,000 of the 2.9 million inhabitants became internally-displaced persons and were obliged to seek refuge in adjacent countries. Of the 230,000 who lived in the capital, mainly in the Makélékélé and Bacongo districts, tens of thousands sought refuge in the northern districts and in particular in Ouenzé and Moungali. However, most of them left in the direction of the Pool region.

41. On 1 May 1999 when security conditions had improved, President Sassou-Nguesso announced that displaced persons could return to Brazzaville and in particular to the southern parts of the town. As a result, almost 200,000 persons apparently returned to the capital. The population of Dolisie and Nkayi also returned. The state of health of these persons was dramatic in that almost 70 per cent were suffering from malnutrition. The condition of children under five years of age was even more critical for almost 30 per cent of them were experiencing severe malnutrition. The return of these people was allegedly accompanied by a large number of serious human rights violations, such as extrajudicial or summary executions and rape, and it is said that the few belongings they still possessed were pillaged systematically.

42. At the present time, about 580,000 Congolese are said to be internally displaced - mainly in the Pool (140,000), Bouenza (80,000), Niari (120,000) and Lékoumou (75,000) regions. It seems that there are some 90,000 displaced persons in Pointe-Noire (most of them from rural areas but also from Brazzaville) and 10,000 in the town of Nkayi. Conditions in the small rural towns are particularly precarious, by way of example, the town of Kinkala, 77 km to the south of Brazzaville, has been completely deserted by its 10,000 inhabitants.

43. According to UNHCR, almost 24,000 Congolese are still refugees in the Democratic Republic of the Congo and about 20,000 in Gabon. The Prime Minister of Gabon requested the international community to assist his country in dealing with this influx of refugees and UNHCR deployed additional staff to Tchibanga, in the south-western part of Gabon.

44. The Republic of the Congo is also host to refugees from the Cabinda enclave (21,000, of whom 6,000 are assisted by UNHCR) and Rwanda (7,000).

B. Repatriated persons

45. During the past year, about 40,000 Congolese are said to have returned to the Republic of the Congo, of whom almost 20,000 went back between April and July; the overwhelming majority of them were from the neighbouring Democratic Republic of the Congo. It appears that this repatriation process was to a very large extent facilitated by the signature, in April 1999, of a tripartite agreement between the Democratic Republic of the Congo, the Republic of the Congo and UNHCR.

VI. INFORMATION FROM NON-GOVERNMENTAL ORGANIZATIONS

46. This section contains a summary of the information communicated to the Secretary-General by various NGOs, namely, Amnesty International, Médecins sans frontières (MSF), the International Federation of Human Rights/International Federation of Human Rights Leagues (IFHR), the Observatoire congolais des droits de l'homme (OCDH), the Association d'aide et d'assistance aux mineurs et femmes incarcérés (AMFI) and the Collectif d'intellectuels congolais originaires de la région du Pool (CICOP). Most of the NGOs emphasize that the human rights situation in the Congo is extremely serious and calls for greater attention and action on the part of the international community and human rights defence mechanisms.

47. The main human rights violations brought to the attention of the NGOs are as follows: summary or extrajudicial executions; arbitrary arrest and detention; torture and rape; forced or involuntary disappearances; and violations of the freedom of expression, opinion and assembly. The NGOs emphasize that most of these violations are allegedly committed for political and/or ethnic reasons.

48. Information received by the secretariat reveals that most of the victims are allegedly unarmed civilians and particularly women and children, who were killed or wounded during confrontations between the two parties; this constitutes a serious violation of article 3 common

to the four Geneva Conventions. Representatives of associations for the promotion and protection of human rights, journalists and political opponents are said to be frequent victims.

49. These human rights violations are allegedly committed by all parties to the conflict and particularly by members of various armed militias. In most cases, the perpetrators of these acts are rarely identified individually.

50. The NGOs emphasize that those responsible for this series of serious human rights violations in the Congo have never been prosecuted or brought to justice following an inquiry ordered by the authorities. The judiciary is unable to perform its function for want of resources, moreover, it is subject to considerable pressure on the part of the authorities. The NGOs are in agreement that the security forces, and in particular the Cobra militias, enjoy extensive impunity, which constitutes one of the main obstacles to the national reconciliation process and the restoration of the rule of law.

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QUESTION OF THE VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report of the High Commissioner for Human Rights pursuant to Commission on Human Rights resolution 1999/1

Situation of human rights in Sierra Leone

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I INTRODUCTION

1 In its resolution 1999/1 the Commission on Human Rights requested the High Commissioner for Human Rights to apprise the Commission at its fifty-sixth session of the reports of the Secretary-General about violations of human rights and international humanitarian law in Sierra Leone, including, to the extent possible, references contained in reports submitted to the Commission on Human Rights

2 The Security Council, in its resolution 1270 (1999), adopted on 26 October 1999, decided to establish the United Nations Mission in Sierra Leone (UNAMSIL) with immediate effect for an initial period of six months and with the following mandate

(a) To cooperate with the Government of Sierra Leone and the other parties to the Peace Agreement in the implementation of the Agreement,

(b) To assist the Government of Sierra Leone in the implementation of the disarmament, demobilization and reintegration plan,

(c) To that end, to establish a presence at key locations throughout the territory of Sierra Leone, including at disarmament/reception centres and demobilization centres,

(d) To ensure the security and freedom of movement of United Nations personnel,

(e) To monitor adherence to the ceasefire in accordance with the ceasefire agreement of 18 May 1999 (S/1999/585, annex) through the structures provided for therein,

(f) To encourage the parties to create confidence-building mechanisms and support their functioning,

(g) To facilitate the delivery of humanitarian assistance,

(h) To support the operations of United Nations civilian officials, including the Special Representative of the Secretary-General and his staff, human rights officers and civil affairs officers,

(i) To provide support, as requested, to the elections, which are to be held in accordance with the present Constitution of Sierra Leone

3 The Security Council also decided that the military component of UNAMSIL should comprise a maximum of 6,000 military personnel, including 260 military observers, subject to periodic review in the light of conditions on the ground and the progress made in the peace process, in particular in the disarmament, demobilization and reintegration programme. The Council further decided that UNAMSIL would take over the substantive civilian and military components and functions of the United Nations Observer Mission in Sierra Leone (UNOMSIL) as well as its assets, and to that end decided that the mandate of UNOMSIL should terminate immediately on the establishment of UNAMSIL.

4 The Security Council, in the same resolution, requested the Secretary-General to report to the Council every 45 days to provide updates on the status of the peace process, on security conditions on the ground and on the continued level of deployment of personnel of the Military Observer Group (ECOMOG) of the Economic Community of West African States, so that troop levels and the tasks to be performed could be evaluated as outlined in paragraphs 49 and 50 of the Secretary-General's report of 28 September 1999 (S/1999/1003)

II REPORTS OF THE SECRETARY-GENERAL TO THE SECURITY COUNCIL

5 Between January and October 1999, the Secretary-General submitted the following reports on Sierra Leone to the Security Council S/1999/20 of 7 January, S/1999/237 of 4 March, S/1999/645 of 4 June, S/1999/836 of 30 July and Add 1 of 11 August 1999, S/1999/1003 of 28 September

6 In his report to the Council of 7 January 1999 (S/1999/20), the Secretary-General stated that, following the withdrawal of military observers from Makeni, Bo and Kenema, it had been difficult for UNOMSIL to gather reliable information about the human rights situation in the countryside, particularly in the areas overrun by the rebels Rebel attacks in the east and west had certainly involved the killing of civilians, the destruction of homes and abductions Women and children had been deliberately targeted with close-range gunfire and other civilians had been summarily executed

7 UNOMSIL had received complaints of assault, harassment and unnecessary detention, primarily of young men by ECOMOG, while members of the pro-Government Civil Defence Force (CDF) had been accused of summarily killing one person during a house raid on 26 December 1998

8 The Secretary-General further reported that, on the same day, a number of prominent personalities had organized and addressed a large rally in the city centre Many of the speeches had been highly inflammatory and had called on people to take the law into their own hands regarding alleged rebels or rebel sympathizers During the proceedings, some members of the crowd had seized two men and accused them of being rebels UNOMSIL personnel had witnessed the murder of the two men by persons in the crowd, with the clear support of onlookers When the identities of the two victims had later been ascertained, there had been no indication that they had harboured sympathies for the rebels Immediately after the incident, the Secretary-General's Special Representative had expressed his grave concern to the President and requested government intervention to restrain similar inflammatory statements and acts of violence

9 In his report of 4 March (S/1999/237), the Secretary-General informed the Security Council that in late January, while the fighting between the rebels and ECOMOG/CDF was ongoing, UNOMSIL human rights officers had visited Freetown to conduct an assessment of the situation there The assessment team had travelled extensively within the city and had interviewed numerous people, including victims of mutilations and other human rights violations Members of the team had witnessed violations during their visit

10. The team had found that the ultimate responsibility for the fighting, for most of the civilian casualties and for the related humanitarian emergency in Freetown, rested with the rebel forces. Most estimates put the total casualty figure at between 3,000 and 5,000, including rebel fighters and ECOMOG and CDF combatants. It was feared that at least 2,000 of those casualties were civilian inhabitants of Freetown. Many civilians were killed while being used by the rebels as human shields in combat, or because they reportedly refused to come out into the streets to demonstrate in favour of the rebels. Many others were killed while trying to protect family members from death or rape, or while trying to protect their property from looting and destruction.

11. Much of the killing seemed to have been arbitrary and to have been carried out by child fighters or rebel fighters under the influence of drugs or alcohol. However, there was also evidence that some of the murders were targeted, including, reportedly, the murder of 200 police personnel. The Solicitor General was killed during the fighting, as were the Resident Minister for the North, an adviser to President Kabbah and at least two journalists. Other victims, deliberately targeted, included senior officials of the Sierra Leonean National Commission for Democracy and Human Rights, the Council of Churches and the National Commission for Rehabilitation, Reconstruction and Reintegration, as well as Nigerian nationals.

12. According to medical sources interviewed by the human rights assessment team, many hundreds of civilians were treated for the amputation of limbs or other forms of mutilation; hundreds of other victims of mutilation did not survive to seek treatment. Victims of amputation and mutilation, usually inflicted with machetes or axes, included men, women and children, some as young as six years old.

13. The Secretary-General affirmed that there had been reports of widespread rape and other forms of sexual abuse by rebel elements in Freetown and Makeni. In Freetown, eyewitnesses had reported incidents of violent group rape of young women and girls rounded up by the rebels for that heinous purpose. Many rape victims were reported to have been subsequently abducted, mutilated or killed.

14. The rebels had abducted a large but unverifiable number of people in Freetown and other places they attacked. By mid-February, child-care agencies reported that some 2,000 children had gone missing in Freetown alone since 6 January. Escapees reported that abducted boys were selected for training as fighters, or used as porters while women and girls were taken for sexual purposes or to cook food. A small number of prominent Sierra Leonean personalities and foreigners had also been abducted, including the Roman Catholic Archbishop of Freetown. Foreign abductees included several Indian workers, Roman Catholic nuns of Indian and Kenyan nationality and one Spanish and one French journalist. Though some had managed to escape, at least eight abductees had been killed and two seriously injured.

15. Rebel forces had also been responsible for the deliberate widespread destruction of civilian property and public utilities in Freetown and other locations, such as Makeni and Kambia. Some public facilities appeared to have been deliberately demolished, including police stations, the Pademba Road prison, the Nigerian High Commission and UNOMSIL headquarters. The residences of human rights activists, lawyers, journalists and government officials were also targeted, as well as churches, mosques and hospitals.

16. Eyewitnesses interviewed by the assessment team had also reported summary executions, in various parts of Freetown, of alleged rebels or rebel sympathizers by ECOMOG soldiers. One alleged victim of summary execution was an eight-year-old boy caught in possession of a pistol. Members of the assessment team had witnessed an execution at Connaught Hospital on 3 February 1999 by men in ECOMOG uniforms. ECOMOG soldiers also detained and physically mistreated national staff members of a number of humanitarian NGOs and the International Committee of the Red Cross, apparently accusing them, without evidence, of being rebel collaborators. ECOMOG High Command had subsequently indicated to the Special Representative of the Secretary-General their intention to investigate these allegations and to take corrective action as necessary. Members of CDF were also accused of mistreating civilians during the crisis in Freetown.

17. Nonetheless, UNOMSIL had continued to provide technical assistance to the National Commission for Democracy and Human Rights and the National Forum for Human Rights to assist them in carrying out their human rights monitoring, reporting and advocacy activities within Sierra Leone. With the help of UNOMSIL, a Human Rights Committee for Sierra Leone had been temporarily established in Conakry, comprising the Sierra Leonean National Commission for Democracy and Human Rights, the National Forum for Human Rights, United Nations agencies and humanitarian organizations.

18. In his report to the Security Council of 4 June 1999 (S/1999/645) the Secretary-General stated that the period since March 1999 had been marked by a resurgence of rebel atrocities against civilians, most of them reported from the provincial towns of Masiaka and Port Loko. Based on eyewitness accounts, the human rights abuses by the Revolutionary United Front (RUF)/the Armed Forces Revolutionary Council (AFRC) had included a significant number of summary executions, mutilations, limb amputations, abductions and sexual abuse, as well as the large-scale destruction of property. Civilians in the affected areas were also suffering significant humanitarian deprivation.

19. Escapees from rebel-held territories had continued to provide disturbing accounts of abusive rebel behaviour against civilians, including physical and psychological torture and harassment. In Makeni and Koinadugu, escapees reported that RUF/AFRC had imposed punitive food taxes, restricted the movement of civilians and operated a harsh justice system. A UNOMSIL investigation team that visited Masiaka after the town's recapture by ECOMOG/CDF received testimonies of ill-treatment of civilians, some of whom were killed or mutilated after being accused of sympathizing with pro-government forces.

20. During a rebel attack on Port Loko, a group of RUF/AFRC rebels had reportedly executed 20 civilians at nearby Mangarma village on 7 May. Other summary executions were believed to have been carried out in areas surrounding Port Loko. RUF/AFRC forces had also continued their practice of limb amputations, and at least a dozen victims had suffered this form of torture in the reporting period.

21. In the same period, RUF/AFRC had abducted a large number of civilians. While retreating from a town or village rebels had forced men, women and children to go with them to serve as porters, potential recruits or sex slaves. The Special Representative of the Secretary-General in Sierra Leone had expressed to RUF/AFRC the deep concerns of the

United Nations over the reported abuses of human rights and violations of international humanitarian law. Following a fact-finding visit by UNOMSIL human rights officers to Masiaka village, the Special Representative had met with Corporal Foday Sankoh, the RUF leader, and had presented the RUF delegates with an aide-mémoire on human rights issues. RUF then pledged to set up an internal investigation to probe those allegations and requested support from the international community.

22. Regarding human rights violations attributed to ECOMOG and CDF soldiers, the ECOMOG High Command had initiated the formation of a Civil/Military Relations Committee which, inter alia, had investigated allegations of human rights violations against individual members of ECOMOG and CDF and recommended appropriate action to the higher authorities. However, it was reported that ill-treatment of the civilian population by ECOMOG, CDF and Civil Defence Units (CDU) was continuing.

23. The Secretary-General expressed great concern at reports from various sources, including United Nations agencies, that widespread recruitment of children by CDF in the southern and eastern provinces, especially at Bo and Kenema, was persisting. Agencies had also reported that a number of children who had been demobilized from CDF were known to have been subsequently re-recruited. The Secretary-General recalled the promise made in 1998 by the Government of Sierra Leone to the Special Representative on children and armed conflict, Mr. O. Otunnu to demobilize and discontinue the practice of recruiting children under 18 years of age into the armed forces of Sierra Leone.

24. In April 1999, President Kabbah had announced the establishment under statute of a new Human Rights Commission for Sierra Leone, replacing the human rights role of the National Commission for Democracy and Human Rights. The body had some form of adjudicatory authority and considerable implementation powers. UNOMSIL had informed the Government of its support for this initiative and had promised to provide, in collaboration with the Office of the United Nations High Commissioner for Human Rights, the necessary technical assistance.

25. In his report of 30 July (S/1999/836), the Secretary-General mentioned that the Lomé Peace Agreement contained three articles addressing commitments in the area of human rights, including the full protection and promotion of basic civil and political liberties, the creation of an autonomous quasi-judicial national Human Rights Commission designed to strengthen the existing machinery for addressing grievances of the people of Sierra Leone, and the establishment of a Truth and Reconciliation Commission which would deal specifically with the question of human rights violations committed since the beginning of the armed conflict in 1991.

26. The Secretary-General also reported that the United Nations High Commissioner for Human Rights had visited Sierra Leone on 24 and 25 June 1999, accompanied by a high-level delegation. In a statement dated 25 June 1999, the High Commissioner had said that Sierra Leone required urgent international attention if it were to overcome its recent history of horrendous human rights abuses. Among the measures that could be taken in the short term were international assistance to document the human rights violations as a step towards accountability; increasing the number of human rights monitors in the country; and working with the Government and Sierra Leonean civil society to create a "human rights infrastructure" in the country. The High Commissioner, together with the Government of Sierra Leone, the National

Commission for Democracy and Human Rights, representatives of civil society and the Special Representative, had adopted the Human Rights Manifesto, which contained and reaffirmed wide-ranging commitments for immediate and sustained promotion and protection of human rights, such as the non-recruitment into the armed forces of children under the age of 18 years. The manifesto also committed the United Nations to provide appropriate support to Sierra Leonean human rights institutions, as well as for other elements of technical assistance.

27. In his report of 28 September 1999 (S/1999/1003), the Secretary-General noted that the human rights institutions and mechanisms provided for in the Peace Agreement were not yet established. Nonetheless, key players were holding an intense debate regarding the nature of the proposed truth and reconciliation commission. In that regard, UNOMSIL had facilitated the consultative work of the Office of the United Nations High Commissioner for Human Rights and the visit of the High Commissioner's special adviser on national institutions concerning the setting up of the proposed human rights commission.

28. Furthermore, UNOMSIL was working closely with the United Nations humanitarian assistance coordination unit and other agencies to ensure the wide dissemination of human rights information relevant to the formulation and implementation of return programmes. UNOMSIL would also assist the relevant agencies with a view to promoting respect for United Nations principles on the return of internally displaced persons.

29. The National Commission for Democracy and Human Rights, the Interreligious Council and the Campaign for Good Governance were undertaking large countrywide sensitization programmes with regard to the human rights aspects of the peace agreement. Most programmes, however, had very limited outreach into areas under the control of the RUF and the AFRC. UNOMSIL was also working with the humanitarian community to promote more comprehensive and timely countrywide sensitization on the human rights and humanitarian provisions of the Agreement, in particular as regards issues of access and humanitarian delivery.

30. The Secretary-General reported that his Special Representative for children and armed conflict, Mr. Olara Otunnu had visited Sierra Leone from 30 August to 3 September 1999, with the assistance of the United Nations Children's Fund (UNICEF), to assess first hand the current conditions of children and explore ways to respond better to their needs.

31. At the conclusion of his visit, Mr. Otunnu had outlined an agenda for action, aimed at ensuring the rehabilitation and welfare of children in the aftermath of the war. The agenda proposed, inter alia, giving special attention to child combatants in the disarmament, demobilization and reintegration process, securing access to and immediate release of children abducted by the rebel forces, provision of training to the new national army on human rights, child rights and humanitarian standards, and giving priority attention to the special needs of children, in particular to those mutilated, sexually abused, gravely traumatized and displaced, as well as to their basic educational and medical needs, in the rehabilitation and reconstruction efforts of the country.

32. Mr. Otunnu had welcomed the renewed commitment made by the Government of Sierra Leone and the Civil Defence Force not to recruit children under the age of 18 for the armed forces, the same commitment had now been made by the RUF leadership. He had appealed to

political leaders in the country to demonstrate their commitment to peace by taking bold and concrete measures to implement the Lomé Peace Accord and for the RUF and AFRC to acknowledge fully their role in the atrocities committed during the war, many of them directed against children and women.

33. The Secretary-General added that, as the plight of children was among the most pressing challenges currently facing Sierra Leone, the United Nations, in particular UNICEF, would continue to assist the Government in its efforts in that regard. He appealed to the international community to ensure adequate and sustained resources to address children's needs during the peace process and beyond.

III. INFORMATION ON REPORTS SUBMITTED TO THE COMMISSION ON HUMAN RIGHTS AND OTHER UNITED NATIONS BODIES

A. Extrajudicial, summary or arbitrary executions

34. The Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. A. Jahangir, in her report to the Commission at its fifty-fifth session (E/CN.4/1999/39) stated that the execution of a death sentence passed after a trial in which basic fair trial standards, as provided for in article 14 of the International Covenant on Civil and Political Rights, were not respected, constituted a violation of the right to life. In 1998, Sierra Leone and a number of other countries had reportedly imposed death sentences after proceedings in which the defendants had not benefited fully from the rights and guarantees of a fair trial contained in the pertinent international instruments.

35. The Special Rapporteur, in an addendum to her report, on country situations (E/CN.4/1999/39/Add.1), stated that she had received numerous allegations concerning extrajudicial, summary or arbitrary executions committed by armed insurgent groups in Sierra Leone. Several thousand people had reportedly been killed, including innocent women and children. The Special Rapporteur had also been informed of death sentences issued by military courts that failed to offer defendants the right to appeal. Many of those cases reportedly involved soldiers accused of participating in the former military regime and convicted of treason. Dozens of executions of political opponents had also been reported in 1998.

36. The Special Rapporteur transmitted two urgent appeals together with the Special Rapporteur on the independence of judges and lawyers on behalf of 34 individuals reportedly sentenced to death by court martial since 23 July 1997. All were said to be convicted of capital offences related to treason and the atrocities committed by the military junta in power from May 1997 to March 1998. The Special Rapporteur had been informed that the court martial violated international human rights law by not providing any right to appeal.

37. The Special Rapporteur had requested an invitation to visit Sierra Leone in order better to assess the human rights situation of the country regarding her mandate. Continued reports of extrajudicial, summary or arbitrary executions had been received, as well as allegations that the death penalty was being applied in a manner inconsistent with international law. An in situ visit would have enabled the Special Rapporteur better to evaluate the situation and reach an independent assessment of the reports and allegations.

38. The Special Rapporteur stated that she was sensitive to the needs of the Government to bring those individuals responsible for the atrocities committed during the military junta to justice but called on the authorities to do so in a manner consistent with international law. Furthermore, she was dismayed to note that the human rights situation in Sierra Leone appeared to be deteriorating again after a brief period of improvement. She was, however, pleased that Sierra Leone was a signatory to the International Covenant on Civil and Political Rights and the Optional Protocol thereto and reminded the Government of its responsibility to ensure all the rights protected therein. One of those rights was the right to appeal a capital sentence imposed by any tribunals.

B. Protection and promotion of the right to freedom of opinion and expression

39. In his report to the Commission at its fifty-fifth session (E/CN.4/1999/64), the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Mr. A. Hussein, stated that on 21 January 1998 he had sent to the Government of Sierra Leone a joint urgent appeal with the Special Rapporteur on torture in regard to three journalists who had allegedly been arrested without charge and detained in Freetown. According to the information received by the Special Rapporteur the arrests were related to the publication of an article which anticipated the arrest of a senior member of the Armed Forces Revolutionary Council and alleged links with an illegal radio station.

40. The Special Rapporteur regretted that at the time of the finalization of the report, no reply had been received from the Government of Sierra Leone. He urged the Government of Sierra Leone to take any steps which were necessary in order to investigate those cases and to prosecute and impose appropriate sanctions on any persons guilty of torture and violating the freedom of opinion and expression, regardless of any rank, office or position they might hold, as well as to take effective measures to prevent the recurrence of such alleged acts and to compensate the victims or their relatives, in accordance with the relevant international standards.

C. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

41. In his report to the Commission at its fifty-fifth session (E/CN.4/1999/11), Mr. Enrique Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, recalled that in previous reports, he had discussed the armed conflict in Sierra Leone and the presence there of private companies offering security services and military assistance and advice, and of mercenaries recruited by such companies. For example, the security firm, Executive Outcomes, which was registered in South Africa and made up of former members of the thirty-second battalion of the South African army, had been contracted by the Government of Valentin Strasser, but had left Sierra Leone at the time the peace accord was signed in November 1996, after having provided military assistance services for several months.

42. On 25 May 1997, in a coup led by Commander Johnny Paul Koroma, the constitutional President Alhaji Ahmed Tejan Kabbah had been overthrown and a revolutionary council formed. Lower ranks of the armed forces had taken part in the coup. A number of foreign companies involved in diamond, titanium, gold and bauxite mining had left the country or suspended their

operations. The Governments of the region had not only condemned the coup, but had also isolated the new de facto Government and demanded the return of the deposed President. The Special Rapporteur had learned that, while in exile in Guinea, President Kabbah had signed a contract with Sandline International, a company registered in the Bahamas and with offices in Chelsea, London, to provide him with military support, advice and assistance in regaining power.

43. According to the information received by the Special Rapporteur, a number of financial and mining companies with debts and interests of various kinds in Sierra Leone gave their support and even partial financial backing to the contract with Sandline International. After signing the contract, the company prepared and dispatched a document giving its view of the operations to be carried out and various strategic and tactical plans. Helicopters and military equipment were subsequently exported to Sierra Leone, allegedly via Bulgaria, Nigeria and Liberia, in breach of the embargo imposed under Security Council resolution 1132 (1997), military experts were also sent and were still providing tactical and operational advice on the ground.

44. On 10 March 1998, after heavy fighting in which the forces of ECOMOG took part, the coalition Government formed by AFRC and RUF had been overthrown, and President Tejan Kabbah had been able to return to Freetown. Soldiers loyal to the ousted military junta had committed atrocities against the civilian population in their flight to the east of the country.

45. While ECOMOG forces devoted themselves to keeping order in Freetown, Sandline International employees were advising the Government as it planned the creation of a new army with no links to those involved in the coup d'état. The 20,000-strong paramilitary force called the Civil Defence Force (Kamajors) was also reported to be committing gross violations of human rights with the acquiescence of the Government and after training and advice from Sandline International mercenaries. The Special Rapporteur had been informed of appalling acts of cruelty committed by mercenaries on captured rebels and on civilians suspected of collaborating with the insurgents.

46. In his report to the General Assembly at its fifty-fourth session (A/54/326), the Special Rapporteur reported that, during his mission to the United Kingdom in January 1999, he had raised the problem of the demand for private military security companies with members of the Foreign Affairs Committee of the House of Commons. The case of Sierra Leone and of the violation of the embargo imposed by the United Nations Security Council had been discussed. Reference had been made to the terrible massacres and mutilations of civilians attributed to the rebels and to the duty of the Government of Sierra Leone to guarantee their protection. ECOMOG forces had been called in, but they consisted mainly of Nigerian troops. Nigeria, in turn, was the object of an embargo imposed by Western countries which depleted the supply of weapons and ammunition for its troops. Those circumstances could explain the Government's recourse to the services of a military security company.

47. The Special Rapporteur had explained that he believed that any use of those companies was a short-term solution. Instead, there should be a strengthening of the regional security mechanisms, especially in Africa, which acted in respect for the norms of international humanitarian law and human rights. While the regional peacekeeping forces had clear norms

which they had to respect and a clear line of command, that transparency was not found in military security companies, and responsibility was difficult to determine. Nor was it easy to determine what the relationship was between those companies and the Government concerned.

48. During the meetings with government officials, the question of the relationship between the question of mercenaries and the arms trade had also been raised. The officials had affirmed that the arms trade was reasonably well regulated in the United Kingdom. However, the regulations did not cover exports from a third country. That had been the case with the alleged shipment of arms to Sierra Leone by Sandline International from Bulgaria. The United Kingdom Government was interested in supporting better regulation of the small arms trade and a draft code of conduct drawn up within the framework of the European Union.

49. During the meetings the condemnation of the activities of mercenaries by officials of the United Kingdom Government had emerged clearly, as had their concern about what they described as a growing and increasingly complex phenomenon, which could affect the peace, independence and prosperity of various countries, mainly in Africa. The activities of mercenaries also gave rise to incorrect assumptions about their links with the Government, which could affect the country's international image. In view of that phenomenon the United Kingdom Government felt that it was a matter of priority to support the efforts of African countries to find a peaceful solution to armed conflicts on the continent. The political, technical and financial support provided to the ECOMOG forces fell within that context.

50. In the same report (A/54/326), the Special Rapporteur also recalled that the legitimate Government of President Ahmed Tejan Kabbah had signed a peace agreement in Lomé with Foday Sankoh's Revolutionary United Front (RUF) on 7 July 1999. The agreement had officially ended eight years of civil war, but it really represented a power-sharing deal providing for an amnesty that literally guaranteed impunity for the perpetrators of serious violations of human rights and of international humanitarian law. The group that had usurped power and spread terror, with the help of mercenaries, would jointly govern the country, four ministers and three deputy ministers would be chosen from its ranks, and the gold and diamonds on which Sierra Leone's economy was based would be placed under its control. The agreement said nothing about the international security companies which had taken part in the conflict and through which the mercenary element had been introduced. In any case, the agreement, which had more to do with politics than with peace and justice, was no guarantee of durability. The Sierra Leone tragedy demonstrated once again the fallaciousness of the argument that private military security companies helped to guarantee the governability of the countries in which they were active.

51. The Special Rapporteur concluded that Africa remained the continent where mercenaries were most active. Mercenaries were involved in conflicts in Angola, the Republic of the Congo, Sierra Leone and the Democratic Republic of the Congo. Chronic political instability, combined with a wealth of natural resources coveted by outsiders, gave rise to many armed conflicts, which sooner or later attracted mercenaries. The example of Sierra Leone demonstrated that recourse to security and military assistance and advisory firms was no substitute for a strong collective regional security system, as exemplified by the Military Observer Group of the Economic Community of West African States. The recruitment, financing and use of mercenaries was unacceptable under any circumstances, even when the aim was claimed to be the restoration of a

constitutional regime overthrown by a coup d'etat. There was a need to reinforce the mandate and involvement of the United Nations and regional organizations such as the Organization of African Unity (OAU) in peace-building and peacekeeping operations.

D. Torture

52. In his report to the Commission at its fifty-fifth session (E/CN.4/1999/61) the Special Rapporteur on Torture, Sir Nigel Rodley, mentioned that, on 21 January 1998, he had sent a joint urgent appeal with the Special Rapporteur on the right to freedom of opinion and expression on behalf of three journalists who were allegedly arrested without charge and detained in Freetown (see paragraph 39 above).

53. On 29 January 1998, the Special Rapporteur had sent an urgent appeal on behalf of the following individuals from the town of Kenema, who had allegedly been arrested in the previous two weeks, on suspicion of supporting a local opposition civil defence force, by forces loyal to the military junta: Brima S. Massaquoi, Brima Kpaka, a businessman, Swaray Kokowa (alias Abdulai Bockarie), Dr. D.P.B. Momoh and Dr. Stevens. They were reportedly held at the military brigade headquarters in Kenema, where some of the detainees had allegedly been tortured and ill-treated, including one who was said to have had his ears cut off.

54. On 16 February 1998, the Special Rapporteur had sent an urgent appeal on behalf of a number of persons from the town of Kenema, who had allegedly been rearrested, on suspicion of supporting a local opposition civil defence force. Among those rearrested were Brima S. Massaquoi, Brima Kpaka, Swaray Kokowa, Dr. Momoh and Dr. Stevens. The following persons were said to have been arrested on the same days: Matthew Lebbie, Patrick J. Kanneh, Andrew Quee, John Swaray, Samuel Sam, Francis Musa and Paramount Chief Moinama Karmor. The above-mentioned persons had allegedly been tortured and ill-treated and had sustained serious injuries.

IV. INFORMATION ON THE UNITED NATIONS ASSISTANCE MISSION IN SIERRA LEONE

55. The Security Council, by its resolution 1181 (1998), established the United Nations Observer Mission in Sierra Leone (UNOMSIL) (renamed the United Nations Mission in Sierra Leone (UNAMSIL) in October 1999), led by the Special Representative of the Secretary-General Mr. F. Okelo, with military and civilian components, and mandated UNOMSIL to, inter alia, report on violations of international law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs.

56. A five-officer human rights unit was created within the Mission to implement the human rights mandate. In early January 1999, following the fall of Freetown to the rebels, the Mission was temporarily evacuated to Conakry, Guinea until 30 March 1999, after ECOMOG restored the legitimate Government of President Kabbah. Following the signature of the Lomé Peace Agreement, which contained specific human rights provisions, on 7 July 1999, the Security Council increased to 14 the number of international human rights officers.

57. The UNAMSIL human rights mandate has been adapted to the complex humanitarian emergency and the UNAMSIL human rights unit has especially focused its activity in four related fields: monitoring, reporting, intervention and technical cooperation. For instance, as regards human rights monitoring, UNAMSIL has recently put in place a tracking mechanism for comprehensive monitoring and advocacy regarding the implementation of the Lomé Peace Agreement. With regard to reporting, human rights issues are systematically addressed in the Secretary-General's reports to the Security Council, internal reports are usually issued, weekly and monthly, and distributed throughout the United Nations system. At various levels and with different counterparts UNAMSIL undertakes intervention on an ongoing basis on both individual and thematic matters of human rights concern.

58. One of the priorities of the mandate is training in the non-governmental sector and for the national human rights institutions, especially training focused on human rights monitoring, reporting and advocacy skills. Training for the humanitarian community has been directed to enhancing understanding of the practical relationship between humanitarian activity and human rights. Training of the police has concentrated on issues arising in the context of an emergency environment. UNAMSIL has assisted the NGO sector to increase the quality of its activities and has provided the Government, national institutions and civil society with technical assistance regarding respect for the rule of law, the preparation of reports for the treaty bodies and the incorporation of treaty based rights in national law. The humanitarian community and the United Nations agencies are also provided with advice and guidance in order better to structure human rights activities and to render such activities more sustainable. Furthermore, UNAMSIL worked with the humanitarian community to ensure that the new Sierra Leone Humanitarian Code of Conduct is clearly based on and reflective of international human rights law.

V. INFORMATION ON THE ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

59. The Office of the High Commissioner, in cooperation with UNAMSIL and the Sierra Leonean authorities, is actively working on the creation of a truth and reconciliation commission, of a renewed National Human Rights Commission and, in the future, of a commission of inquiry. Each of these bodies will play a specific role in the national reconciliation process and the definitive establishment of the rule of law and democracy in the country. The work of the OHCHR is inspired by the Human Rights Manifesto, a moral and political commitment signed by the High Commissioner, the Special Representative of the Secretary-General for Sierra Leone, Mr. F. Okelo, and President Kabbah, and others, during the High Commissioner's visit in June 1999. The Manifesto is critical to preventing a renewed outbreak of the conflict because it gives high visibility to the role of all the actors in the conflict and to their commitment to peace.

60. The establishment of a truth and reconciliation commission, an initiative which meets with both political and popular support, would contribute to the process of healing without resort to further violence or measures of revenge. The results of such an institution in South Africa were very encouraging and universally appreciated. OHCHR is contributing to the drafting of the statute of the Commission.

61. The revitalization of the National Human Rights Commission, a permanent institution managing long-term projects, would consolidate previous experiences in this field in order to build up a human rights oriented society and thus buttress the democratic process. The National Commission will be the vehicle for a number of specific training activities for magistrates, for law enforcement agencies and for humanitarian workers. This kind of institution, in the light of the Paris Principles, should also be able to mediate between the citizen and the State. The High Commissioner's special adviser on national institutions visited Sierra Leone for the second time at the beginning of November 1999 to discuss the speedy establishment and correct functioning of this commission.

62. The proposal made by the High Commissioner during her visit to Sierra Leone in June 1999 concerning the establishment of a commission of inquiry, seemed to find a fertile ground with the Government and other key players. There is a need for further common reflection on this proposal, because of its political content. However, the establishment of such a commission or a similar mechanism, even at a later stage in the peace process, could be fundamental in combating impunity and in ensuring the successful completion of the process. The High Commissioner has entrusted a renowned expert in conflict resolution, Mr. B. Kiplagat, with the task of studying the nexus between a truth and reconciliation commission and a commission of inquiry and of making recommendations for future action by OHCHR on these initiatives.

63. The recruitment of 10 additional human rights officers, as proposed by the Secretary-General in his latest report to the Security Council, reinforces the operational capacity of the UNAMSIL Human Rights Unit and will facilitate the implementation of the four human rights projects contained in the Inter-Agency Consolidated Appeal, which will be carried out by UNAMSIL with the substantive cooperation of OHCHR. These projects are: (i) data collection and analysis: conflict-related rape and sexual abuse; (ii) promotion of child rights; (iii) a human rights training programme for the Sierra Leonean police force; (iv) training in human rights and humanitarian law for the new Sierra Leonean army.